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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,177	11/20/2006	Joseph M. Ahearn	012281-000410US	6534
	7590 10/31/200 AND TOWNSEND AN	EXAMINER		
TWO EMBAR	CADERO CENTER	GABEL, GAILENE		
EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ART UNIT	PAPER NUMBER
			1641	
			MAIL DATE	DELIVERY MODE
			10/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Арр	olication No.	Applicant(s)				
Office Action Summary		552,177	AHEARN ET AL.	AHEARN ET AL.			
		miner	Art Unit				
	GAI	LENE R. GABEL	1641				
The MAILING DATE of this com Period for Reply	munication appears	on the cover sheet with	the correspondence ac	ddress			
A SHORTENED STATUTORY PERIOD WHICHEVER IS LONGER, FROM THE Extensions of time may be available under the provafter SIX (6) MONTHS from the mailing date of this If NO period for reply is specified above, the maxim Failure to reply within the set or extended period for Any reply received by the Office later than three me earned patent term adjustment. See 37 CFR 1.704	HE MAILING DATE (risions of 37 CFR 1.136(a). communication. rum statutory period will appl reply will, by statute, cause onths after the mailing date of	OF THIS COMMUNICA' In no event, however, may a reply y and will expire SIX (6) MONTHS the application to become ABANI	TION. be timely filed from the mailing date of this of DONED (35 U.S.C. § 133).				
Status							
1) Responsive to communication(s	s) filed on <i>05 Octobe</i>	er 2005					
2a) ☐ This action is FINAL .	2b) ☐ This action						
3)☐ Since this application is in cond	<i>'</i> —		prosecution as to the	e merits is			
closed in accordance with the p		•	•	o monto lo			
Disposition of Claims		,,	.,				
· <u>_</u>	the explication						
	Claim(s) <u>1-25</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.						
	is/are withdrawn in	on consideration.					
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.	ha.						
7) Claim(s) is/are objected							
8)⊠ Claim(s) <u>1-25</u> are subject to res	inction and/or electi	on requirement.					
Application Papers							
9)☐ The specification is objected to b	y the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any	objection to the drawi	ng(s) be held in abeyance.	See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a classification and All b) Some * c) None 1. Certified copies of the prication copies of the prication from the Interest * See the attached detailed Office and All Some * copies of the certified copies of the prication copies of the certified copies of the prication copies of the certified copies of the certi	of: ority documents hav ority documents hav oies of the priority do national Bureau (PC	re been received. re been received in Appl ocuments have been red T Rule 17.2(a)).	lication No ceived in this National	Stage			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Revi 3) Information Disclosure Statement(s) (PTO/SE Paper No(s)/Mail Date		Paper No(s)/M	mary (PTO-413) lail Date mal Patent Application				

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Art Unit: 1641

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-14, drawn to method and kit therefor.

Group II, claims 16-25, drawn to computer readable medium.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Invention I is a method and kit for identifying systemic lupus erythematosus (SLE) using complement C4d on platelets as a marker whereas Invention II is a tangible computer readable medium capable of executing a program and storing and retrieving data corresponding to patient results and reference values. Additionally, method steps to specifically indicate SLE are not a required program for computer readable media.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse.

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If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

- 2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GAILENE R. GABEL whose telephone number is (571)272-0820. The examiner can normally be reached on Monday to Thursday, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GAILENE R. GABEL/ Primary Examiner, Art Unit 1641

October 28, 2008